

REMARKS/ARGUMENTS

Reconsideration of the rejections set forth in the Final Office Action dated April 27, 2004 is respectfully requested.

Claims 1-10, 13-26, and 29-38 are currently pending and have been rejected. Claims 6, 7, and 19 have been amended for clarity. Claims 31, 33, 34, and 38 have been amended to provide proper claim dependencies in light of the renumbering of the claims by the Examiner.

Claim Objections

The Examiner has object to the numbering of the claims as previously presented in the Amendment filed on February 10, 2004. In order to address the Examiner's claim objections, the Applicant has incorporated the Examiner's numbering of the claims in this Amendment.

Rejections under 35 U.S.C. § 103

Claims 1, 2, 4-11, 15-19, 21-26, 29, 30, 32-35, 37 and 38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rune (U.S. Patent No. 6,212,390) in view of Beamish et al. (U.S. Patent No. 6,694,142) and further in view of Zeller et al. (U.S. Patent Publication No. US 2002/00771118 A1). Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rune in view of Beamish et al. and further in view of Zeller et al. and Bansal et al. (U.S. Patent No. 6,526,272). Claims 14, 20, 31, and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rune in view of Beamish et al. and further in view of Zeller et al. and Ariga (U.S. Patent No. 6,625,455).

1. Independent claims 1, 25, 26, 35, and their respective dependents

Claim 1 requires that a method of spatially controlling cellular phone access includes receiving an IP message at a central facility that is relayed through a radio access network, and updating data associated with a cellular phone device in response to receiving the IP message at the central facility. Hence, claim 1 requires that an IP message is relayed through a radio access network to a central facility in an IP-based cellular wireless communication system.

The Examiner has argued that Rune in view of Beamish et al. and further in view of Zeller et al. suggest the method of claim 1. The Applicant notes that the Examiner has admitted that on page 3 of the Final Office Action dated April 27, 2004, that a combination of Rune and Beamish et al. does not disclose that a message (*i.e.*, a message relayed through a radio access network as required in claim 1) is an IP message, or that an IP message is received at a central facility. The Examiner has asserted that Zeller et al. overcomes the deficiencies of the combination of Rune and Beamish et al.

It is respectfully submitted that among other deficiencies of Zeller et al., Zeller et al. does not teach of or reasonably suggest that an IP message includes information about whether a cellular phone device is in an area of restricted service access, or that an IP message is received at a central facility. While Zeller et al. does discuss IP messages, Zeller et al. specifically teaches that an IP message contains digital audio files, and that IP messages are sent over the Internet (Zeller et al., page 5 at paragraph 0052). There appears to be no suggestion that an IP message includes any information pertaining to a cellular phone device, let alone information about whether a cellular phone device is in an area of restricted service access, or that an IP message may be sent over a radio access network, as required in claim 1. The IP message of Zeller et al. does not contain the same information as contained in a message as taught by Rune, and neither Rune nor Beamish et al. appear to even remotely contemplate sending any sort of IP message. Hence, a combination of Rune, Beamish et al, and Zeller et al. does not reasonably suggest an IP message that includes information about whether a cellular phone device is in an area of restricted service access. There is also no suggestion in any combination of the art of record that

an IP message may be relayed through a radio access network, as Zeller et al. specifically teaches of an IP message that contains digital audio files which is sent over t

he Internet, and does not appear to even remotely suggest that an IP message may be relayed over anything other than the Internet.

Further, the Applicant submits that there is also no suggestion in Zeller et al. of receiving an IP message at a central facility. Zeller et al. teaches of receiving an IP address at a web advertiser (Zellner et al., page 9 at paragraph 0080), but neither teaches of nor suggests that an **IP message** is received at a central facility. An IP address is not the same as, and does not suggest, an IP message.

The Examiner has argued that Rune teaches of receiving a message which includes information pertaining to the location of a cellular phone device that is relayed through a radio access network at a central facility (page 3 of Final Office Action dated April 27, 2004). Zeller et al., as discussed above, teaches of sending an IP message containing digital audio files over the Internet, and of a web advertiser receiving an IP address for a cell phone. It is respectfully submitted that a method in which a message that includes location information and is relayed through a radio access network and received at a central facility in combination with a method as taught by Zeller et al. which sends an IP message containing digital audio files over the Internet and includes a web advertiser that receives an IP address for a cell phone **would at best result in a method in which a message which includes location information and an address for a cell phone is relayed through a radio access network and received at a central office, and in which an IP message that includes digital audio files is sent over the Internet.** No combination of the art of record teaches of or reasonably suggests an IP message which includes information about whether a cell phone device is in an area of restricted service access being received at a central facility and being relayed through a radio access network. Accordingly, claim 1 is believed to be allowable over the art of record for at least the reasons set forth.

Claims 2-10 each depend either directly or indirectly from independent claim 1, and are therefore each believed to be allowable over the art of record for at least the reasons set forth above with respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record. By way of example, dependent claim 7 requires that an IP message be sent to a cellular phone device, and that the IP message sent to the cellular phone device includes an HTTP web page with selectable buttons associated with hush options. While Beamish et al. may make reference to an HTTP web page (Beamish et al., column 1 at lines 50-55), there is no suggestion that an HTTP web page is included in any message, let alone an IP message, that is sent to a cellular phone device. In addition, the Applicant respectfully submits that none of the cited references teaches or even reasonably suggests an HTTP web page with selectable buttons associated with hush options. Therefore, claim 7 is believed to be allowable over the cited references for at least these additional reasons.

Claims 25, 26, and 35 recite similar limitations are recited in independent claim 1. As such, claims 25, 26, and 35, as well as claim 36 which depends directly from claim 35, are each believed to be allowable over the art of record for at least the reasons set forth above with respect to claim 1.

2. Independent claims 15, 29, 30, and their respective dependents

Independent claim 15 requires that a method of operating a quiet zone controller includes detecting a cellular phone device entering an area, and sending an IP message including an identifier associated with the cellular phone device to a service provider control point through a radio access network. It is respectfully submitted that no combination of the art of record teaches of sending an IP message to a service provider control point through a radio access network. Zeller et al. specifically teaches of sending an IP message containing digital audio files over the Internet (Zeller et al., page 5 at paragraph 0052) and of the existence of an IP address (Zeller et al., page 9 at paragraph 0080). Hence, Zeller et al. does not teach of or reasonably suggest that an IP message may include an identifier associated with a cellular phone device and be

transmitted over a radio access network. None of the art of record, either alone or in combination teaches of sending any IP message through a radio access network. As such, claim 15 and its dependents are each believed to be allowable over the art of record for at least this reason.

Claims 28 and 29 recite similar limitations are recited in independent claim 15. Hence, claims 28 and 29, in addition to claim 30 which depends directly from claim 29, are each believed to be allowable over the art of record for at least the reasons set forth above with respect to claim 15.

3. Independent claim 11 and its dependents

Independent claim 11 recites that a method of spatially controlling cellular phone access includes receiving a call at a central facility, and determining whether the cellular phone device is in an area of restricted service access. Determining whether the cellular phone device is in the area of restricted service access includes determining whether an IP message that includes information that the cellular phone device has entered the area of restricted service access has been relayed through a radio access network.

No combination of the art of record teaches of or reasonably suggests receiving an IP message relayed through a radio access network that includes information that a cellular phone device has entered an area of restricted service access. Rune teaches of a generic radio access network, and Zeller et al. teaches of an IP message containing digital audio files which is sent through the Internet. As discussed above, no combination of the art of record teaches of or reasonably suggests sending relaying any IP message through a radio access network. Further, no combination of the art of record teaches of or remotely suggests any IP message which includes information that a cellular phone device has entered an area of restricted service access. Therefore, claim 11 and its dependents are each believed to be allowable over the art of record for at least this reason.

4. Independent claims 21, 31, and their respective dependents

Claim 21 recites that a cellular phone device is capable of varying its behavior in response to a configurable hushing message that comprises IP packets. A configurable hushing message allows a cellular phone device to respond in different ways, as appropriate, instead of just turning off the cellular phone device. For example, when it is important to prevent RF interference to sensitive devices, a configurable hushing command may turn off the cellular phone device (Specification, page 15, lines 12-15). Alternatively, when it is important for audible disturbances to be prevented, but not important to prevent RF interference, a configurable hushing command may be used to have the phone vibrate rather than ring (Specification, from page 14 at line 20 to page 15 at line 12).

It is respectfully submitted that neither Rune nor Beamish et al., either alone or in combination, teach of IP packets. On page 3 of the Final Office Action dated April 27, 2004, the Examiner has indicated that a combination of Rune and Beamish et al. does not disclose that a message is an IP message. Hence, the Applicant is of the belief that the Examiner has admitted that neither Rune nor Beamish et al. teach of IP packets. While Zeller et al. teaches of an IP message, the IP message of Zeller et al. includes digital audio files, as previously discussed. There is no suggestion in Zeller et al. of an IP message including anything but digital audio files, and there is no suggestion in a combination of Rune and Beamish et al. that any hushing message comprises IP packets. A combination of Rune, Beamish et al. and Zeller et al. would not appear to suggest a configurable hushing message that comprises IP packets. Accordingly, claim 21 is believed to be allowable over the art of record for at least this reason.

Claims 22-24 and 37 each depend directly from independent claim 21, and are each therefore believed to be allowable over the art of record for at least the reasons set forth above with respect to claim 21. Each of these dependent claims recites additional limitations which, when considered in light of claim 21, are each believed to further distinguish the claimed invention over the art of record. By way of example, claim 37 requires that a cellular phone device includes a transmitter, and that the configurable hushing messages causes the cellular

phone device turn off only the transmitter. Turning off only the transmitter allows the cellular phone device to function at some level while preventing RF interference to sensitive devices. It is respectfully submitted that when the Examiner addresses claim 37 on page 4 of the Final Office Action dated April 27, 2004, the Examiner does not appear to address the fact that claim 37 requires that only the transmitter in a cellular phone device is turned off. The Examiner has noted that Beamish et al. teaches of turning off a cell phone (Beamish et al., column 2 at lines 22-25), but does not teach of or reasonably suggest that only the transmitter in a cell phone is turned off. Since neither Rune nor Zeller et al. teach of turning off only the transmitter in a cellular phone device, neither Rune nor Zeller et al. overcome this deficiency of Beamish et al. Therefore, claim 37 is believed to be allowable over the art of record for at least this additional reason.

Independent claim 31 recites limitations similar to those recited in claim 21. As such, claim 31 and its dependents are each believed to be allowable over the art of record for at least the reasons set forth above with respect to claim 21.

Conclusion

For at least the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8696.

Respectfully submitted,



Peggy A. Su
Reg. No. 41,336

RITTER, LANG & KAPLAN LLP
12930 Saratoga Ave., Suite D1
Saratoga, CA 95070
Tel: 408-446-8690
Fax: 408-446-8691